IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CIVIL CONTEMPT PETITION No.370/2004
IN
S.B.CIVIL WRIT PETITION No.4978/2003

SHIV CHARAN LAL GOYAL V/S SHRI K.G. GUPTA & OTHERS

DATE OF ORDER 21.2.2007

PRESENT

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Vimal Choudhary for the petitioner.
Shri Shyam Arya, for respondents.

Heard learned counsel for the parties.

This is a contempt petition in which allegation of the petitioner is that the respondents have not complied with the order dated 24.2.2004 whereby they were directed not issue a lease deed in favour of any one in regard to Khanda, Gitty and Bolder (KGB).

Learned counsel for the respondents submits that after passing the stay order dated 24.2.2004, the writ petition itself virtually got disposed of by order of the court dated 2.11.2004 in which no direction with regard to the issuance of lease deed for Khanda, Gitty and Bolder was given.

Learned counsel for the petitioner submits that the judgment of the learned Single Judge has already been challenged before the Division Bench in appeal which is pending. Therefore, no case for proceeding in contempt

against the respondents for willfully or deliberately of the order is made out. The controversy with regard to Khanda Gitty, and Bolder is the subject matter of special appeal.

In the facts, no case of contempt is made out. The contempt petition is therefore dismissed and notices are discharged.

(Mohammad Rafiq),J.

Chauhan/